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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,978	08/06/2001	Hiroyuki Tomoike	WAK.092	7670

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EXAMINER

APPLE, KIRSTEN SACHWITZ

ART UNIT	PAPER NUMBER
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3693

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/921,978	Applicant(s) TOMOIKE, HIROYUKI	
	Examiner Kirsten S. Apple	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 101

In view of the applicants amendments the 101 rejections is hereby withdrawn.

Claim Rejections - 35 USC § 102

The Examiner has read and reviewed all of the information provided by the Applicant.

The examiner rejects as final claims 1-12 under 35 USC 102.

The Applicant attention is re-drawn to the following:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Hultgren US

Patent 6,868,391 B1.

Re claim 1, 3, 5, 7, 9 & 10: Hultgren discloses:

A method, system, device and software of a mobile payment comprising:

At personal information input terminal (see Hultgren, Figure 2, item 202)- notifying payment center through mobile (see Hultgren, Figure 1) of price and personal identifying information (see Hultgren, Figure 2, item 222).

At payment center (see Hultgren, Figure 2, item 208) – comparing information (see Hultgren, Figure 2, item 208-3), Mobile Station user verify price (see Hultgren, Figure 3B, item 326)

At Mobile Station (see Hultgren, Figure 2, item 204): notify payment center (see Hultgren, Figure 3B, item 328), notifying Home Location Register collect payment (see

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Hultgren, Figure 3A, item 306), notifying store payment complete (see Hultgren, Figure 3C, item 346)

Re claim 2, 4, 6, 8, 11 & 12: Hultgren discloses:

A method, system, device and software of a mobile payment comprising:

Personal information is a fingerprint (see Hultgren, column 6, line 40-45)

Response to Arguments

Applicant's arguments filed 7/14/06 have been fully considered but they are not persuasive.

In particular, and respect to Claim 1 the Applicant argued 1st:

“Hultgren does not disclose a system or method that includes notifying the payment center by the store personal information input terminal”

The Examiner refutes the argument made by the Applicant and draws the attention to Hultgren, Figure 2, additionally column 1, line 55-65, “the merchant terminal” the merchant terminal is the same as the applicants “payment center”

Applicants argued 2nd, “the present invention the payment center notifies the purchaser mobile station of the price.”

The Examiner refutes the argument made by the Applicant and draws the attention to Hultgren, paragraph 24, “an invalid transaction notification is sent to the customers mobile station”

Applicants argued 3rd, “Claims 7 & 9 relate to an information terminal that transmits information received from a purchaser’s mobile station to a payment center.”

The Examiner refutes the argument made by the Applicant and draws the attention to Hultgren, paragraph 24, "an invalid transaction notification is sent to the customers mobile station"

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirsten S. Apple whose telephone number is 571.272.5588. The examiner can normally be reached on Monday - Friday 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-272-6126.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksa



ELLA COLBERT
PRIMARY EXAMINER